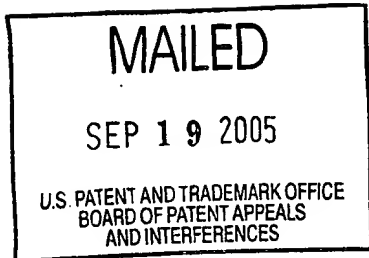


UNITED STATES PATENT AND TRADEMARK OFFICE



\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte OLIVIER FONCARNIER  
\_\_\_\_\_

Application 09/407,738  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was received electronically at the Board of Patent Appeals and Interferences on August 10, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

Section 1208 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 2, May 2004) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two

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appeal conference participants must place  
their initials next to their name. This will  
make the record clear that an appeal  
conference has been held. [Emphasis added.]

The Examiner's Answer mailed February 24, 2005 does not comply  
with the above requirement.

Accordingly, it is

ORDERED that the application is returned to the

Examiner:

1. for taking corrective action regarding the appeals  
conference;
2. for written notification to appellant regarding the  
action taken; and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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